IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

SPECIAL CIVIL APPLICATION No 7959 of 1988

For Approval and Signature:

Hon'ble MR.JUSTICE S.K.KESHOTE

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1. Whether Reporters of Local Papers may be allowed to see the judgements? : NO

2. To be referred to the Reporter or not? : NO

3. Whether Their Lordships wish to see the fair copy of the judgement? : NO

4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder? : NO

5. Whether it is to be circulated to the Civil Judge? : NO

GUSAI BIMALGR CHANDRAGAR

Versus

STATE OF GUJARAT

Appearance:

MR YS MANKAD for Petitioner

MS MANISHA LAVKUKAR, AGP for Respondent No.1, 2 & 3

CORAM : MR.JUSTICE S.K.KESHOTE

Date of decision: 12/07/2000

ORAL JUDGEMENT

#. Heard the learned counsel for the parties.

#. On 30th November, 1988, this matter was admitted and interim relief in terms of para-6(b) has been granted. Para-6(b) of the special civil application reads as

under:

(b) Pending the hearing and final disposal of this petition, the respondents, their servants, agents and subordinates be by an interim injunction, restrained from stopping the petitioner from making the shop in workable condition and doing business in the same.

#. In pursuance of the interim relief, the learned counsel for the petitioner submits that shop has been constructed on which the petitioner is doing his business. For all these years, this interim relief is continuing. The petition is filed against the action of the respondents of demolishing the suit shop. Under the interim orer, it is rebuilt and interest of justice will be served in case this petition is disposed of in terms that the respondents are at liberty to take appropriate action for demolition of the shop in question only after giving the opportunity of hearing to the petitioner. In case they pass order adverse to the petitioner, it may not be given effect to for fifteen days. Liberty is granted to the petitioner for revival of this special civil application in case of any difficulty. Rule and special civil application stand disposed of accordingly with no order as to costs.

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(sunil)